

HOUSE BILL 683  
By Overbey

AN ACT to amend Tennessee Code Annotated, Title 68,  
to enact the "Tennessee Trauma Center Funding  
Law of 2005".

WHEREAS, trauma centers across the state are required to accept and treat all patients suffering from trauma; and

WHEREAS, trauma centers are suffering financially across the state due to the large numbers of uninsured patients who they are required by law to treat; and

WHEREAS, far too often, these patients enter the trauma centers as a result of motor vehicle accidents and violent crimes; and

WHEREAS, the general assembly recognizes that it is of tremendous importance to the state that the trauma centers remain financially viable; and

WHEREAS, it is necessary and desirable to create a special mechanism to defray the added costs of trauma centers for these uninsured patients; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) The title of this act is, and may be cited as the "Tennessee Trauma Center Funding Law of 2005".

(b) Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 15 of this act as a new chapter 56.

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "Advisory council" means the Tennessee trauma care advisory council.
- (2) "Commissioner" means the commissioner of health.
- (3) "Department" means the department of health.

(4) "Trauma" means a serious or critical bodily injury, wound, or shock.

(5) "Trauma center" means any Level I, Level II, or Level III institution licensed by the department pursuant to § 68-11-201, et. seq. and chapter 1200-8-12-.93 of the Tennessee Rules and Regulations.

(6) "Coordinator" means the person designated by the commissioner pursuant to Section 5 of this act.

SECTION 3. In carrying out the purposes of this chapter, the trauma care advisory council shall provide recommendations to the department of health on trauma center funding, allocations to the various trauma centers across the state, and any other policy issues regarding trauma center funding in the state. The advisory council shall also advise the trauma center fund coordinator in developing program policies and procedures, make recommendations, and perform such other duties as necessary for implementation of a statewide plan to assist in the funding of trauma centers.

SECTION 4. The commissioner, coordinator, and advisory council shall design and establish an application system by which trauma centers may qualify to receive funds from the trauma center fund as defined within this act. As part of this application process, and in addition to any other criteria, trauma centers must report the aggregate number of trauma patients treated each year.

SECTION 5. The commissioner shall appoint within the department and designate a person as the coordinator to supervise and coordinate the development, implementation and enhancement of the trauma center fund for the benefit of trauma centers. The coordinator shall, to the fullest extent possible, utilize the services of the advisory council in fulfilling the duties and responsibilities required by this chapter.

SECTION 6. To the extent permitted by law, the coordinator may seek additional information to verify the number of trauma patients served by trauma centers applying for funds

under this act. The identity of a patient, physician, or hospital is confidential and may not be released to any person, except that the identity of a patient may be released to the coordinator upon informed written consent of the patient, or the patient's legal guardian or legal representative; the identity of a physician may be released upon written consent of the physician; and the identity of a hospital may be released upon written consent of the hospital.

SECTION 7. The advisory council shall submit an annual report to the house health and human resources committee and the senate general welfare, health and human resources committee including, but not limited to, the incidence and status of traumatic injuries in Tennessee, the administration of the office of the coordinator, and recommendations for improving the collection and distribution of funds designated for trauma centers under this act.

SECTION 8. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by title 55, chapter 8, for driving a motor vehicle in excess of ten (10) miles over the posted speed limit, there is imposed an additional fine of twenty dollars (\$25.00) for each such violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 9. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by § 55-10-205, for reckless driving of a motor vehicle, there is imposed an additional fine of thirty dollars (\$30.00) for each such violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 10. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by title 55, chapter 50, parts 5 and 6, for driving a motor vehicle while the driver license is cancelled, suspended or revoked, there is imposed an additional fine of thirty dollars (\$30.00) for each such violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 11. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by § 55-10-403, for driving under the influence of an intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system prohibited under § 55-10-401, there is imposed an additional fine of thirty dollars (\$30.00) for each such violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 12. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by § 55-9-603, for failure to use proper safety belt restraints, there is imposed an additional fine of twenty-five dollars (\$25.00) for each violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 13. Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by § 55-12-139, for failure to comply with the Tennessee financial responsibility law, there is imposed an additional fine of twenty-five dollars (\$25.00) for each violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 14. Notwithstanding any provision of law to the contrary, in addition to any other fines imposed by title 39, chapter 13, for a person convicted of assault or aggravated assault, there is imposed an additional fine of twenty dollars (\$20.00) for each violation, such additional fine to be earmarked for and paid into the general fund reserve account created by this act.

SECTION 15. There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the "trauma center fund," hereafter referred to as the "fund." From the revenues deposited in the trauma center fund the department of health is authorized to provide funding to the trauma centers based upon the number of trauma patients served by each trauma center. The department is authorized to develop other criteria

for eligible applicants. In addition to providing funds for the trauma centers, moneys from the fund may be expended to fund the coordinator position and other expenditures consistent with the provisions of this act. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this act, and shall not revert to the general fund on any June 30. Any excess revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

SECTION 16. This act shall take effect July 1, 2005, the public welfare requiring it.